

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
 (Chapter II of the Patent Cooperation Treaty)
 (PCT Article 36 and Rule 70)

Applicant's or agent's file reference LA 04.1270 WO	FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/NL2005/000012	International filing date (day/month/year) 10.01.2005	Priority date (day/month/year) 09.01.2004	
International Patent Classification (IPC) or national classification and IPC A01B10/4, A01D7/06			
Applicant LUIK, Jan			
<p>1. This report is the International preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> <i>(sent to the applicant and to the International Bureau)</i> a total of sheets, as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. <p>b. <input type="checkbox"/> <i>(sent to the International Bureau only)</i> a total of (indicate type and number of electronic carrier(s)), containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input checked="" type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application 			
Date of submission of the demand 29.07.2005	Date of completion of this report 24.02.2006		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Walvoort, B Telephone No. +31 70 340-2137 <div style="text-align: right; margin-top: -20px;">  </div>		

IAP20 Rec'd PCT/PTO 10 JUL 2006

INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITYInternational application No.
PCT/NL2005/000012**Box No. I Basis of the report**

- With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
- With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
 - 1-9 as originally filed

Description, Pages

1-9 as originally filed

Claims, Numbers

1-20 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

- The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):
- This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**International application No.
PCT/NL2005/000012**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Yes: Claims	3-20
	No: Claims	1,2
Inventive step (IS)	Yes: Claims	3-20
	No: Claims	1,2
Industrial applicability (IA)	Yes: Claims	1-20
	No: Claims	

2. Citations and explanations (Rule 70.7):**see separate sheet****Box No. VI Certain documents cited****1. Certain published documents (Rule 70.10)**

and / or

2. Non-written disclosures (Rule 70.9)**see separate sheet**

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**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/NL2005/000012

Re Item V.**1 Reference is made to the following documents:**

- D1 : BE 388 202 A (DORIAN-HOLTZER) 31 August 1932 (1932-08-31)
- D2 : BE 432 338 A (PAGGEN) 28 February 1939 (1939-02-28)
- D3 : DE 845 867 C (SCHOEMIG GUSTAV) 7 August 1952 (1952-08-07)
- D4 : US 1 935 510 A (LOFTON TOLLIE M) 14 November 1933 (1933-11-14)
- D5 : FR 1 203 969 A (RICHARD) 22 January 1960 (1960-01-22)
- D6 : BE 485 627 A (RASMUSSEN) 30 November 1947 (1947-11-30)
- D7 : US 2 836 032 A (MELVIN JAMES M) 27 May 1958 (1958-05-27)

2 INDEPENDENT CLAIM 1

- 2.1 All of claim 1's structural features and their interrelationships are known from D1 which describes a gardening tool comprising a first blade-like part 3 and second blade-like part with tines 1 (figure 3) arranged at an obtuse angle (see figures 2 and 4).
- 2.2 The disposition of elements disclosed in D1 is such that in normal use of the described device the positions as stipulated in claim 2 will be naturally realised.
- 2.3. An analogous reasoning can be based on D2-D7.

- 3.1. The additional features of claim 3 and in particular the fan form do not seem to be disclosed nor suggested by any of the documents cited in the search report.
- 3.2. Dependent claims 4-20 can be considered particular embodiments of the gardening tool according to claims 1-3.